**UNITED STATES DISTRICT COURT**
**NORTHERN DISTRICT OF GEORGIA**
**ROME DIVISION**

| | | |
|---|---|---|
| BENJAMIN PHILLIPS, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | |
| vs. | ) | |
| | ) | No: 4:16-cv-00353-HLM-WEJ |
| | ) | |
| IMPERIAL LANDSCAPES, INC. | ) | |
| and BRIAN WHITMORE, | ) | |
| | ) | |
| Defendants. | ) | |

## JOINT MOTION FOR APPROVAL OF FLSA SETTLEMENT

The parties respectfully move the Court to approve a settlement of Plaintiff's claims pursuant to the Fair Labor Standards Act (FLSA). The parties show that the proposed settlement includes 100% of alleged back pay and an equal amount of liquidated damages, plus statutory attorneys' fees and costs.

Specifically, during Plaintiff's employment with Defendants, he was not paid at least the minimum wage for all hours worked up to 40 each week, and was not paid overtime at a rate of one and one-half times his regular rate for all hours worked over 40 each week. See, 29 U.S.C. §§ 206 and 207. After reviewing Plaintiff's time and pay records, Plaintiff's counsel calculated the amount of Plaintiff's minimum wage and overtime back pay. Defendants have agreed to pay the full amount of the alleged back pay ($1,850.45), plus an equal amount of liquidated damages ($1,850.45), for a total of $3,700.90. In addition, Defendants will separately pay Plaintiff's attorneys' fees of $8,043.75 and costs of $543.20, for a total of $8,586.95. Accordingly, Plaintiff will receive the full benefits to which he is entitled pursuant to the FLSA. See, 29 U.S.C. § 216(b). Because Plaintiff will receive full benefits, there is no question that the settlement is fair and reasonable. See, e.g., Lynn's Food Stores, Inc. v. United States, 679 F. 2d 1350, 1353-54 (11th Cir. 1982) (district court may approve settlement after determining that it is fair and reasonable).

For the foregoing reasons, the parties respectfully move the Court for an order approving the proposed settlement.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of March, 2017, a true and correct copy of the foregoing was served via U.S. Mail, postage prepaid, and via email, on Gregory H. Kinnamon, The Kinnamon Firm, P.O. Box 6178, 512 Thornton Avenue, Dalton, GA, 30722, greg@gregkinnamon.com.

/s/ R. Scott Jackson, Jr.
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